

# **Exhibit "43"**

**16. In the last two years, have you placed any other employee, who is a Senior Inspector, GS-11 or higher, in a PIP? If yes, who; what is this person's race and national origin?**

No.

**17. Was the complainant's race and/or national origin factors in your determination that his performance had fallen below FS and it was necessary to place him in a PIP? If yes, explain.**

No.

**18. As to the matter of the complainant being told on February 3, 1999 that he was to on assignment to Guam for two weeks, please respond to the following:**

**a. Did you tell the complainant he had to go to Guam for two weeks? If no, who did? Was this a decision you made or were advised by someone to send him to Guam? If made by someone else, who made the decision?**

I did not tell him this. Supervisory Senior Inspector Kelly Brehm told him. The District Director told me to send two Senior Inspectors to Guam. I, in turn, told SSRI Brehm to send two Senior Inspectors.

**b. What was the reason for sending him on this assignment?**

There was an operational crisis on Guam which need the detail of officers to that location. The District Director dispatched several Special Agents and asked for two Senior Inspectors to supplement the SAs. Of the 6 SRIs, Lopez and Kojima had the least commitments so they were sent.

**c. What were the actual dates of the assignment to Guam?**

February 6, 1999 to February 17, 1999.

**d. Had the complainant ever been sent to Guam in the past on assignment? If yes, when; for how long a period?**

No.

**e. Is there any regulation/policy/directive about how much advance notice an employee must receive before going on assignment to such places as Guam? If yes, please identify the regulation/policy/directive.**

No. However, we try to give the employee as much notice as possible but we sometimes must make assignments with short notifications due to operational necessities.

**f. Is there a normal advanced notice period for such assignments? If yes, what is it; are there any exceptions? Was this an exception?**

There is no definite advance notice period. We give what we can and, in this case, we could only give one day notice.

**g. In the last two years have you sent any other Senior Inspector, GS-11 or higher, on temporary assignment to such places as Guam? If yes, who; what is this person's race and national origin, how long a period? How much advance notice was this person(s) given?**

Yes.

Oriental/Japanese American - 1 day notice - 10-day detail *CLAUDE KOSIMA*  
Pacific Islander/Philippine American - 3 hours notice - 60-day detail *BENJAMIN DUMANGA*  
Oriental/Japanese American - 2 days notice - 20-day detail *RICK MURATA*

**h. Was the complainant's race and national origin factors in the determination to send him on a two week assignment to Guam? If yes, explain.**

No